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RE: PCT/US00/31429

Comments Upon Citations & Explanations of the Revised Preliminary Examination
Report dated 7/FEB/2002

1. Reference is made to the Request for Reconsideration Rule 66 attached.
2. The Explanation admits there is one light beam. The claims 25 and 26 held to lack novelty over Weibel US 6,124,929 thus are not anticipated.

In Weibel, a reflected beam and the transmitted beam (i.e. the same beam) interfere. The claims 25 and 26 call for interference between separate reference and input beams. Thus anticipation is not possible. The Examiners statement on inherency is a mere conclusion, not supported by the reference Weibel or clear technical reason, which is not believed to be formulatable.

Please consider these comments upon Examination in the US National Phase proceedings.

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Agent for applicant

2/21/02

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September 24, 2001

Commissioner of Patents & Trademarks
Box PCT
Washington, DC 20231

RE: International Patent Number PCT / US 00 / 31429
Filed 15 November 2000
Applicant – Burleigh Instruments, Inc.
Docket B – 5

Request for Reconsideration Rule 66

Sir:

The Examining Authority has found that claims 25 and 26 are anticipated by Weibel (US 6,124,929). Weibel does not anticipate since he shows only one input beam which is split as per conventional Michelson Interferometry with a rotating retroreflector to make the measurement twice per cycle. Applicant claim 25 propagates 2 beams (unknown and reference) along the optical path which changes in length. This changes the path length for both beams simultaneously. This is important for accurate wavelength measurement, see applicant's specification pps 1 and 2.

It is therefore submitted that claims 25 and 26 are not anticipated and define a new interferometer provided by an inventive step.

A revised written opinion stating that all claims meet Article 33 (1-4) is requested.

Respectfully,

M. Lukacher
Agent for Applicant